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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CATHERINE A. BERRY,
13 Plaintiff,
14 v.
15 AIR FORCE CENTRAL WELFARE
FUND; AIR FORCE INSURANCE FUND,
16 Defendants.

Case No. 2:21-cv-01977-JCM-BNW

**STIPULATION FOR EXTENSION OF
TIME**
(Second Request)

18 Defendants Air Force Central Welfare Fund and Air Force Insurance Fund
19 (“Defendants”) and Plaintiff Catherine A. Berry (“Plaintiff”) stipulate, subject to this court’s
20 approval, that Defendants shall have until October 28, 2022, to file a response to Plaintiff’s
21 Objection to Report and Recommendation of Magistrate Judge (ECF No. 18). This is the
22 second request for an extension of Defendants’ response deadline.

23 Defendants require additional time for the following reasons:

24 (1) AUSA Holly Vance, who is assigned to defend this case, was injured in an
25 accident on October 2, 2022. (Welsh Decl. ¶ 2);

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- (2) Based on the information available to the undersigned, AUSA Vance will not be able to resume working on this case until November 14, 2022, at the earliest, as she had surgery today, Friday, October 14, 2022, and will be in recovery for an estimated 4-6 weeks (Id.);
- (3) All attorneys in the Civil Division of this office are handling a much higher workload than normal (Welsh Decl. ¶ 3);
- (4) From December 18, 2021 until now, four of the 14 attorneys in the civil division have left the office (Id.);
- (5) Two more attorneys in the civil division will be transferring to other U.S. Attorney's Offices by the end of 2022 (Id.); and,
- (6) Given those vacancies and the increased workloads, the undersigned is unaware of any AUSA who could step into this case and prepare the response before October 28, 2022 (Id.).

Under these circumstances, the parties submit that good cause exists for an extension allowing Defendants up to and including October 28, 2022, to file a response to Plaintiff's Objection to Report and Recommendation of Magistrate Judge. *See* Fed. R. Civ. P. 6(b)(1)(A) ("When an act may or must be done within a specified time, the court may, for good cause, extend the time...with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]") (emphasis added).

This stipulation is made in good faith and not for the purpose of undue delay. (*Id.*).

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1 Defendants and Plaintiff respectfully stipulate that the deadline for Defendants to
2 file a response to Plaintiff's Objection to Report and Recommendation of Magistrate Judge
3 be extended to October 28, 2022.

4 Respectfully submitted this 17th day of October 2022.

5 JASON M. FRIERSON
6 United States Attorney

HAND & SULLIVAN, LLC

7 /s/ Blaine T. Welsh
8 BLAINE T. WELSH
9 Assistant United States Attorney
Attorney for Defendants
Air Force Central Welfare Fund and Air
Force Insurance Fund

7 /s/ George F. Hand
8 George F. Hand, Esq., NSB # 8483
9 Attorney for Plaintiff
Catherine A. Berry

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11 IT IS SO ORDERED:
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15 UNITED STATES DISTRICT JUDGE
16 DATED: October 17, 2022

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CATHERINE A. BERRY,

Plaintiff,

V.

AIR FORCE CENTRAL WELFARE
FUND; AIR FORCE INSURANCE
FUND.

Defendants.

Case No. 2:21-cv-01977-JCM-BNW

Declaration of Blaine T. Welsh

I, Blaine T. Welsh, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an Assistant United States Attorney in the U.S. Attorney's Office for the District of Nevada. I have served in that capacity since December 1990 and have been the Civil Division Chief for more than a decade. I submit this declaration in support of the stipulation for a second extension of time to file a response to Plaintiff's Objection to Report and Recommendation of Magistrate Judge (ECF No. 18) in the captioned case.

2. AUSA Holly Vance is assigned to defend this case. Unfortunately, she was injured in an accident on October 2, 2022, and based on the information I have, she will not be able to resume discovery matters in this case until November 14, 2022, at the earliest.

as she had surgery today, Friday, October 14, 2022, and will be in recovery for an estimated 4-6 weeks.

3. All attorneys in the Civil Division of this office are handling a much higher workload than normal. From December 18, 2021, until now, four of the 14 attorneys in the civil division have left the office. Two more attorneys in the civil division will be transferring to other U.S. Attorney's Offices by the end of 2022. Given those vacancies and the increased workloads, I am unaware of any AUSA who could step into this case and prepare the response to Plaintiff's Objection before October 28, 2022.

4. This extension request is made in good faith and not for the purpose of undue delay.

I declare under penalty of perjury that the foregoing is true and correct based on my personal knowledge.

Executed this 14th day of October 2022.

/s/ Blaine T. Welsh
BLAINE T. WELSH
Assistant U.S. Attorney